

EXHIBIT 34

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL No. 2804
Case No. 17-md-2804

This document relates to:

Judge Dan
Aaron Polster

The County of Cuyahoga v. Purdue
Pharma, L.P., et al.
Case No. 17-OP-45005

City of Cleveland, Ohio vs. Purdue
Pharma, L.P., et al.
Case No. 18-OP-45132

The County of Summit, Ohio,
et al. v. Purdue Pharma, L.P.,
et al.
Case No. 18-OP-45090

Videotaped 30(b)(6) Deposition of the
Drug Enforcement Administration
through the testimony of Stacy Harper-Avilla
Washington, D.C.

April 11, 2019

9:16 a.m.

Reported by: Bonnie L. Russo

Job No. 3282688

1 Scope.

2 MR. ELSNER: Objection.

3 THE WITNESS: I would not agree with
4 them.

5 BY MR. O'CONNOR:

6 Q. DEA sets aggregate production quotas
7 for each individual class of controlled
8 substances; is that fair?

9 A. DEA sets quota for each class of
10 Schedule I or Schedule II controlled substance.

11 Q. Fair enough. And what do you mean
12 when you say, "class of controlled substance?"

13 A. A class is the basic substance.

14 Q. Would that include things like
15 oxycodone?

16 A. Yes.

17 Q. Hydrocodone?

18 A. Yes.

19 Q. Hydromorphone?

20 A. Yes.

21 Q. Morphine?

22 A. Yes.

23 Q. Oxymorphone?

24 A. Yes.

25 Q. And when DEA is setting the

1 aggregate production quota for each of those
2 individual classes, does it consider all those
3 factors that you mentioned a moment ago?

4 A. Yes.

5 Q. Let's talk for a minute about
6 manufacturing quotas.

7 What do you understand the term
8 "manufacturing quota" to mean?

9 A. It is the quota granted to a bulk
10 manufacturer who synthesizes or extracts
11 aggregate -- active pharmaceutical ingredients
12 from either a noncontrolled substance or a
13 plant or from one controlled substance into
14 another.

15 Q. Okay. How does DEA determine what
16 manufacturing quotas to grant?

17 MR. CHANDLER: Objection. Vague.

18 MR. ELSNER: Objection.

19 BY MR. O'CONNOR:

20 Q. You can answer.

21 A. For the manufacturing quota, it is
22 built on their customers and their
23 manufacturing processes, as well as inventory
24 allowances and any other FDA notifications that
25 we have received.

1 Q. Okay. And couldn't the -- can any
2 given manufacturer make more of a particular
3 class of controlled substances than the DEA
4 permits?

5 MR. ELSNER: Objection.

6 THE WITNESS: I think there is a
7 difference between "can" and "should."

8 BY MR. O'CONNOR:

9 Q. Fair enough. Would it be legal for
10 a manufacturer to produce more of a controlled
11 substance than permitted by its DEA quota?

12 A. Not to my knowledge, it's not legal.

13 Q. Okay. And are you aware of any
14 circumstances in which a manufacturer did make
15 more than what it was permitted?

16 A. It has occurred on occasion and DEA
17 has taken action with the manufacturer.

18 Q. Okay. Is it fair to say that DEA
19 takes steps to ensure that manufacturers don't
20 make more than what they are permitted to under
21 their DEA quota?

22 MR. CHANDLER: Objection. Scope.

23 THE WITNESS: Can you repeat the
24 question.

25 BY MR. O'CONNOR: